EXHIBIT 1 TO DEFENDANTS'
MOTION *IN LIMINE* TO PROHIBIT PLAINTIFFS
FROM OFFERING EXPERT TESTIMONY

CONVERGYS vs. IGATE CORPORATION, et al.
William P. Koopmans
February 12, 2004

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CONVERGYS INFORMATION   :
MANAGEMENT GROUP, INC.,   :
AND CHUBB CUSTOM   :
INSURANCE COMPANY,   :
     Plaintiffs   :
   -v-   :   Case No. CV-01-618
                           :   (Judge Beckwith)
IGATE CORPORATION, et al.,   :
     Defendants   :
                        - 0 -

The deposition of WILLIAM P. KOOPMANS, taken before Melea E. Chaney, Court Reporter and Notary Public in and for the State of Ohio, at the law offices of Ulmer & Berne, 600 Vine Street, Suite 2800, Cincinnati, Ohio, on the 12th day of February, 2004, beginning at the hour of 9:23 a.m. and ending at the hour of 6:09 p.m. of the same date.

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William P. Koopmans
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1   published in May was specific to Sprint.
2   Q   Let me ask you: There's a term that I
3   see repeatedly in the Convergys documents that's called
4   the usage split or the usage split project. Is that
5   what you're talking about here?
6   A   Yes.
7   Q   Sir, can you just briefly describe for
8   me so I can use the same language that you use,
9   generally what was the usage split project? What was
10   its purpose?
11   A   The purpose of the -- of the project
12   was to take usage data associated with our usage --
13   realtime usage processing and move that data to a
14   second Oracle instance. The rationale at the time was
15   primarily to assist us in our scalability of our P2K
16   solution because Oracle at the time was constrained.
17   An instance was constrained to run on a single machine.
18   We viewed in the future that single machine bottleneck
19   constraint would be a problem to our ability to support
20   Sprint's meteoric growth.
21   So by moving some of the data into a
22   second instance, we could move that second instance
23   ultimately to a second server, have a different set of
24   Oracle resources serving those data requests and
25   improve our scalability.

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1   Q   The usage data that you're talking
2   about, at that point in time prior to September of
3   1999, it was all being handled as part of the existing
4   Oracle instance?
5   A   That is correct.
6   Q   And in order to be able to support more
7   Sprint business and transactions, you wanted to split
8   it in two basically so you would have two separate
9   systems that could handle more volume; is that
10   basically what you're telling me?
11   A   I'm sorry. I'm technically precise.
12   It really wasn't splitting it into two. It was taking
13   a subset, a specific horizontal -- or vertical slice of
14   data, I should say, and moving it into a second
15   instance. So splitting the workload between two
16   instances, but they were -- the instances were very
17   different data. It wasn't the same data that we were
18   splitting from a horizontal scalability perspective.
19   Q   Let me ask you then: When you talk
20   about the usage data, this is a subset of data that was
21   then being generated, correct?
22   A   That is correct.
23   Q   What is usage data as opposed to all
24   the other data?
25   A   Usage data is if you make a call on

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1   your cell phone, we refer to that event record as a
2   call detail record. Who you called, when you initiated
3   the call, when you hung up, where you were when you
4   made the call, all of that information that the
5   switches capture associated with that call.
6   Our solution, that call is routed
7   through the Sprint PCS network and delivered to us to
8   rate. We use that data and then, based on the customer
9   data, we're able to associate that MIN, mobile
10   identification number, to the customer, the subscriber,
11   their address, their -- the price plans that they have
12   for the purposes of rating that call. We refer to that
13   as the usage record and that is the -- in general the
14   usage data that we're collecting. The calls that were
15   made for the subscriber, the tax information associated
16   with that, what their current -- how many calls they've
17   made and their accumulation of usage.
18   Q   So this usage data or usage record is
19   the subset that you were talking about before that was
20   the subject of this usage split project?
21   A   That's correct. Moving it away from
22   customer information.
23   Q   I just want to make sure I understand
24   so I can use or at least try to use the same
25   terminology you are. Once you take away that

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1   particular subset of usage data, what do you call the
2   remainder?
3   A   The remainder is customer data, data.
4   Q   And can you just briefly tell me what
5   kind of data is included in the customer data?
6   A   Sure. Customers, accounts,
7   subscribers, price plans, account remark history, the
8   specific services they have enabled. There's lots of
9   other miscellaneous information, but in general it's
10   information about the customer, their subscriptions and
11   details about what types of services and plans they
12   have.
13   Q   So we have the two different types of
14   data that we're talking about that was going to be part
15   of this usage split project: You have the usage data
16   and then you have the customer data, correct?
17   A   Correct.
18   Q   Now, let me see if I can tie in some
19   terms, again, so I can try to use the ones that you
20   want me to use when we're describing.
21   In the documents there's references to
22   SSUP and SSP. So I would like to take them one at a
23   time and ask you if you can describe what they are and
24   if they relate to one of these two different breakdowns
25   of data, if you would tell me that. So let's start

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1   first with SSP. What does that mean?
2   A   SSP was our -- is our term or our name
3   for the customer instance. An instance is an Oracle
4   term for the actual database instance that contains the
5   customer data. So it contains all of the tables,
6   indexes and the data for -- for the customer instance.
7   SSP is our reference for the customer instance.
8   Q   And then what is SSUP?
9   A   That's our instance name for the usage
10   instance.
11   Q   As we're going along this, let me just
12   ask you a few questions that are not directly related,
13   but the terminology is, so maybe it's easier.
14   There's also the reference in the
15   documents to what I'll call the SSP alert log and the
16   SSUP alert log. You're familiar with those terms, I
17   take it?
18   A   Yes.
19   Q   Can you tell me what SSP alert log
20   refers to?
21   A   The alert log is Oracle's log of
22   important events or activity that is occurring against
23   the instance. So the SSP alert log is the alert log
24   specific -- specifically for the SSP instance. So it
25   will contain information like when the database was

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1   started, when it was shut down, when data files were
2   added, when errors -- Oracle reported errors occurred
3   on the instance.
4   Q   And the SSUP alert log would be the
5   same thing but with respect to the usage instance?
6   A   That is correct.
7   Q   While we're talking about terms, let me
8   ask you a few other terms that I've seen in the
9   Convergys documents. The DDM team, like David, David,
10   Mary, what is the DDM team?
11   A   DDM was another term similar to
12   database and data resource management. I believe at
13   the time it -- it was database and data management is
14   what that stood for. I'm not 100 percent certain, but
15   it was in general the development DBA team, another
16   name for the development DBA team.
17   Q   And not including the production DBA
18   team?
19   A   In function, that is a correct
20   statement. Again, we had the situation where
21   organizationally and from a manager perspective is one
22   and how that team at large was referenced, folks may
23   have referenced the entire team as DDM. But from a
24   functional perspective, it's development.
25   Q   So from a management point of view it

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1   could include both reporting to Mr. DeCarlo at least in
2   this September of 1999 time frame; is that correct?
3   A   That is correct. I'm -- I'm not sure
4   folks referred to the team in -- from an administrative
5   perspective with that name, but it could have been.
6   Q   But the distinction you're making is
7   from a function or activity perspective as opposed to a
8   management perspective?
9   A   That is correct.
10   Q   Let me ask you about the open systems
11   group. What was that in Convergys at or about
12   September of '99?
13   A   The open systems group are the Unix
14   administrators who administrate or administer the
15   physical servers. In our case they're SUN servers.
16   They're in our data center organization and they have
17   responsibility for care and feeding of the servers
18   themselves, the physical operating environment as
19   opposed to the application.
20   Q   Let me see if I follow along with you.
21   In the open systems group, that relates to the
22   operating system which you are contrasting with the
23   application system?
24   A   That's correct.
25   Q   So the operating system, at least with

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1   respect to what we're talking about so far in terms of
2   servers, that would be the operating system and the SUN
3   servers?
4   A   And -- and the disk drives and how
5   they're striped and configured and connected to the
6   network. What I'd refer to as the computing
7   environment or the operating environment.
8   Q   And you had SUN servers. Who did you
9   have as your disk or your storage hardware supplier?
10   A   In 1999 we were 100 percent EMC.
11   Q   Now, you mentioned Unix in this
12   context.
13   A   Yes.
14   Q   What is the relevance of Unix in this
15   context?
16   A   Well, Unix is the general term for the
17   operating system. We specifically on the SUN servers
18   use Solaris.
19   Q   And I realize there are many
20   application systems, but the one we've been talking
21   about, at least so far in your deposition, would be the
22   Oracle application?
23   A   Oracle is the database management
24   product that we use as part of our P2K solution or
25   application.

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1 Q   Did you take any steps or anyone else
2 at your direction take steps to preserve anything else
3 at that time, such as keystroke logs, alert logs,
4 activities of the data recovery efforts, anything else
5 at all having to do with activities that Mr. Rao had
6 been engaged in prior to November 17th of 1999 or after
7 September 17th.
8   MR. SHANK: Hang on a second. I just
9 want to make it clear that there are other
10 witnesses who are also going to testify on this
11 topic as well. So I'm assuming that this
12 question is being asked of Mr. Koopmans in his
13 personal capacity and not in his corporate
14 capacity.
15   MR. LUCAS: I'm asking in both
16 capacities. If he's answering in one, only you
17 can control that, not me.
18   MR. SHANK: Well, the point is, is
19 there are other witnesses who can also testify
20 to this issue as well.
21   MR. LUCAS: You've conveyed that on the
22 record. So --
23   THE WITNESS: Up through the 20th we
24 recovered or stored away things like the
25 history file and we recovered the alert log.

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1 Following our analysis and conclusion, there
2 were no additional steps to -- to retrieve or
3 retain any additional electronic or
4 computerized logs with respect to the outage.
5   The data recovery continued in -- in
6 its entirety for three months and, as part of
7 that process, we retained documents about the
8 methods that we used to recover data. Most of
9 those were published in the postmortem to
10 Sprint so that in the event this ever occurred
11 again, we had those documents.
12 BY MR. LUCAS:
13   Q   Let me take those one at a time, if I
14 can. The electronic documents which you called like
15 the history file and the alert logs, did you or
16 Convergys make any efforts to maintain and preserve the
17 keystroke logs, for example, of all other production
18 DBAs or development DBAs that were involved in the
19 Sprint project?
20   A   No.
21   Q   With respect to --
22   MR. SHANK: Hang on. Hang on. There
23 has been at least one of those documents
24 produced recently in discovery. So I'm going
25 to object to that question to the extent that

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1 it ignores the fact that there has been a
2 history file produced recently in discovery by
3 Convergys.
4   MR. LUCAS: All I can do is ask this
5 witness. I mean, I haven't even seen these
6 documents. They were delivered here. We'll
7 take a look at them and then maybe you can
8 identify them.
9 BY MR. LUCAS:
10   Q   This witness -- at least no active
11 steps were taken that you know of to preserve those
12 type of documents, correct?
13   A   Other than the documents that we
14 preserved as part of the identifying of the root cause,
15 that is correct.
16   Q   So only those specific documents that
17 you preserved in terms of a history file or portions of
18 a history file relating to Ragesh Rao, correct?
19   A   Correct.
20   Q   Relating to a alert log for a certain
21 time period, correct?
22   A   Correct.
23   Q   And no other history files of Mr. Rao
24 for his prior work at Convergys, including the work he
25 did in implementing the usage split in the Y2K, the UAT

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1 or the pre-production environments, correct?
2   A   That is correct. Those history files
3 are circular and recycle themselves.
4   Q   When do they recycle?
5   A   I think it's every 5000 lines. Darin
6 would probably know more precisely. I believe that's
7 correct.
8   Q   Well, were any efforts made to go back
9 and retain other history files of Mr. Rao or to see if
10 they existed on any other tape or any other backup
11 system?
12   A   No.
13   Q   And you did not make the determination
14 of what was even going to be preserved, right; somebody
15 else did?
16   MR. SHANK: Objection.
17   MR. LUCAS: I'll rephrase the question.
18 BY MR. LUCAS:
19   Q   Did you gather Mr. Rao's history file?
20   A   Did I personally? No.
21   Q   Who did?
22   A   Darin.
23   Q   Did you do anything to gather, preserve
24 alert logs for either the SSUP or SSP?
25   A   Darin and I made sure the documents

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1　that were pertinent to our identification of root cause
2　were stored.
3　　　　Q　　　What was pertinent to your
4　identification, what you viewed as pertinent, correct?
5　　　　A　　　Correct.
6　　　　Q　　　So if other people thought other things
7　were pertinent and relevant, those were not preserved;
8　is that correct?
9　　　　　　　MR. SHANK:　Objection to form.
10　　　　　　THE WITNESS:　I was not aware anybody
11　　　had any other opinion in terms of documents
12　　　that were pertinent.
13　BY MR. LUCAS:
14　　　　Q　　　Well, let me just see if I understand.
15　At the time, let's say the period between September
16　16th and September 23rd which is the latter part when
17　you would have completed your notes, did you have any
18　discussion with any of the defendants here, Mastech or
19　iGate, concerning these matters?
20　　　　A　　　In what time frame?
21　　　　Q　　　Between September the 17th and, say,
22　September the 23rd.
23　　　　A　　　I had many discussions with Ragesh.
24　　　　Q　　　Other than Mr. Rao, did you have any
25　discussions with anyone from Mastech or iGate?

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1　　　　A　　　I did not, to the best of my knowledge.
2　　　　Q　　　Did anyone from Convergys have any
3　discussions during that time period, for example, with
4　Mr. Rao's then employer?
5　　　　　　　MR. SHANK:　Objection to foundation.
6　　　You can answer to the extent you know, Mr.
7　　　Koopmans.
8　　　　　　　THE WITNESS:　I don't have any idea if
9　　　HR or legal --
10　BY MR. LUCAS:
11　　　　Q　　　Did Sprint instruct Convergys or you
12　what documents it wanted to see?
13　　　　A　　　Not that I recall.
14　　　　Q　　　In fact, the process worked just the
15　opposite, you gathered and Convergys gathered
16　information, you did your analysis and then you
17　presented your results or your conclusions to Sprint,
18　correct?
19　　　　A　　　Correct.　The burden of proof is on us
20　to explain to them what happened with our system.
21　　　　Q　　　So what Sprint might have viewed as
22　relevant at the time was not something that was
23　inquired into by you or Convergys when you were
24　deciding what documents or electronic media to
25　preserve, correct?

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1　　　　　　　MR. SHANK:　Objection to form and
2　　　foundation.
3　　　　　　　THE WITNESS:　Historically if Sprint is
4　　　interested in something, they tell us.
5　BY MR. LUCAS:
6　　　　Q　　　But in this case Convergys didn't
7　confer with them to ask, correct?
8　　　　　　　MR. SHANK:　Objection to foundation.
9　　　　　　　THE WITNESS:　We had lots of dialogue
10　　　on this outage and what we were doing and --
11　　　and how we were doing it.
12　BY MR. LUCAS:
13　　　　Q　　　Mr. Koopmans, I just want to go to your
14　answer.　You said you preserved everything that anyone
15　thought was relevant.　And I just want to understand
16　that the only people who made the determination that
17　what was relevant was Convergys.
18　　　　　　　MR. SHANK:　I think he's already
19　　　answered your question a couple times.
20　　　　　　　MR. LUCAS:　Well, no, let him answer
21　　　the question.
22　BY MR. LUCAS:
23　　　　Q　　　Did Sprint ever have any discussion
24　with you during this time period as to what documents
25　should be preserved as relevant?

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1　　　　A　　　Did they specify anything they thought
2　was relevant?　No.
3　　　　Q　　　And the same thing would be true with
4　respect to Sun Microsystems, correct?
5　　　　A　　　Correct.
6　　　　Q　　　And the same thing would be true with
7　respect to Oracle, correct?
8　　　　A　　　Darin could answer that.　Oracle
9　frequently asks for specific database logs when we open
10　a TAR.　So if we go back to the TAR history, they might
11　have asked for logs or documents to transmit to -- to
12　their site for analysis.
13　　　　Q　　　TAR is a technical assistance request
14　to Oracle?
15　　　　A　　　That is correct.
16　　　　Q　　　And you just don't know the answer to
17　that question?
18　　　　A　　　Correct.　I presume the answer is stuff
19　was sent to Oracle.
20　　　　Q　　　Now, you indicated that efforts in the
21　recovery were summarized as part of your postmortem,
22　correct?
23　　　　A　　　Correct.
24　　　　Q　　　But the underlying documents that would
25　show what it is that Convergys actually did in its

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William P. Koopmans
February 17, 2004

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CONVERGYS INFORMATION   :
MANAGEMENT GROUP, INC.,   :
AND CHUBB CUSTOM   :
INSURANCE COMPANY,   :
     Plaintiffs   :
    -v-   :   Case No. CV-01-618
                           :   (Judge Beckwith)
IGATE CORPORATION, et al.,   :
     Defendants   :

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William P. Koopmans
February 17, 2004

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1 So there is no typical means of creating the file name?
2   A   Well, that's a misleading question, I
3 think. The -- the time stamp on the file is what you
4 typically use to identify when the file was last
5 accessed. What -- all Darin has done in this copy,
6 when he made the copy of this file, is pulled at least
7 the date of that time stamp and put it on the -- the
8 file name. The file name in and of itself is
9 meaningless.
10   Q   Now, I take it from your testimony you
11 don't know whether that's, in fact, what Mr. Darin
12 Brown did? This is a presumption you're making; is
13 that correct?
14   A   Correct. That's speculation, but it's
15 common practice.
16   Q   Now, is there any way to tell from the
17 records of Convergys when Mr. Rao's keystroke log was
18 accessed at any point in time, even if that access is
19 just a review of his keystroke log?
20   A   If your question is: Can we tell, for
21 example, on a -- on a file, we'll -- we'll just make up
22 a date. On a -- on a file that's dated October 1st and
23 the last entry was 11 -- or the file's time stamp is
24 11:00, if your question is, can I tell typically when
25 it was accessed at any time for that point in time, the

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1 answer is generally no.
2   Q   What about after that point in time?
3   A   Well, after that point in time, the
4 system, again, will time stamp the file if it's
5 accessed after that.
6   Q   Well, for example, Exhibit Number 7, we
7 know it was accessed just a couple of months ago and
8 yet --
9   A   Edited, changed.
10   Q   Well, let me ask you -- let's take it
11 one step at a time. So if there's a keystroke log or
12 shell history that is reviewed or accessed by someone
13 after the time of its last entry, are there any records
14 in Convergys which reflects that access or review of
15 the keystroke log?
16   A   A -- a read-only access is not
17 identified.
18   Q   So, take, for example, Exhibit Number
19 7. If this had been looked at ten times by Convergys
20 representatives since, say, September the 20th of 1999,
21 there's no record that reflects that; is that correct?
22   A   That's correct.
23   Q   And if it had been edited after 9/20/99
24 in any sense, what would the record be that would
25 reflect the time of the edit?

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1   MR. SHANK: Objection to foundation.
2   THE WITNESS: The -- again, the file,
3   the details with the file would identify its
4   update, date and time.
5 BY MR. LUCAS:
6   Q   Where, though? Where would I find
7 that?
8   A   That's an LS in the directory where it
9 resides, a directory listing.
10   Q   Well, how would one access on Exhibit 7
11 or with respect to Exhibit 7 the LS directory to find
12 out when it was last edited?
13   A   That's a better question for Darin or
14 somebody on the tech team.
15   Q   What else does the LS directory show
16 with respect to any edits?
17   A   I'm not an OS detail.
18   Q   Exhibit Number 7, is there a server
19 that this comes from?
20   A   That's probably a better question for a
21 DBA.
22   Q   Can you tell me whether the server is
23 the same or different from which Exhibit Number 7 and
24 Exhibit Number 13 were obtained?
25   A   In 1999 they would have been generated

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1 and stored on the same server. That server has since
2 been replaced.
3   Q   I take it on the --
4   MR. SHANK: Kevin, hang on one second.
5   Did you want to clarify that?
6   THE WITNESS: I'm -- I'm just sitting
7   here thinking. At the time we had a 10K. We
8   went to two 10Ks. We still have one 10K, so I
9   -- I would have to go back and -- but it's
10   irrelevant. The -- it's -- it's in the file
11   systems for the database server where it's
12   stored. But I shouldn't have embellished on
13   the -- on the server. It was stored on the
14   10K, it's still in the file system attached to
15   our database server.
16 BY MR. LUCAS:
17   Q   If I understand your testimony both
18 today and last week correctly, Exhibit 13 no longer
19 exists on the system? If one goes to the system right
20 now, the current production system as you call it, what
21 one would find is Exhibit Number 7; is that correct?
22   A   In the normal location for keystroke
23 histories, that is correct.
24   Q   Well, is there some other location
25 where Exhibit 7 would be found?

CONVERGYS INFORMATION MGMT. GROUP, INC., et al. vs. IGATE CORP., et al.
DARIN BROWN
2/13/04

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CONVERGYS INFORMATION   :
MANAGEMENT GROUP, INC. and   :
CHUBB CUSTOM INSURANCE   :
COMPANY,   :
        Plaintiffs   :
        -v-   : Case No. CV-01-618
                                :(Judge Beckwith/Magistrate
                                : Judge Sherman)
IGATE CORPORATION, et al.,   :
        Defendants   :
                            - 0 -
        The deposition of DARIN BROWN, taken before
Susan K. Lee, CVR-CM, Court Reporter and Notary Public
in and for the State of Ohio, at the law offices of
Ulmer & Berne LLP, 600 Vine Street, Suite 2800,
Cincinnati, Ohio, on the 13th day of February, 2004,
beginning at the hour of 9:15 a.m. and ending at 5:12
p.m. of the same date.
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CONVERGYS INFORMATION MGMT. GROUP, INC., et al. vs. IGATE CORP., et al.
DARIN BROWN
2/13/04

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1 log were missing.
2   Q   At the time that you made the request
3 did you have a -- you say usage database alert log. Is
4 that the SSUP alert log?
5   A   Yes.
6   Q   Did you have some version of that
7 document at the time you made the restore request?
8   A   Yes.
9   Q   What was the nature of the document you
10 had? Did you have a hard copy document or did you just
11 have electronic access?
12   A   To the best of my recollection, it
13 would have been only on magnetic disk, so electronic.
14   Q   When did you first review that
15 document?
16   A   Which document?
17   Q   Well, the document that existed on the
18 magnetic disk apparently as of September 19th of '99
19 just prior to your making your restore request.
20   A   And can you define what you mean by
21 review?
22   Q   Look at.
23   A   The -- I don't know precisely.
24   Q   Let me see if I can use some
25 approximate time frames based upon the deposition of

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15

1 Mr. Koopmans, and Mr. Shank can correct me or caution
2 you if he thinks it's appropriate.
3   But the testimony yesterday, using
4 approximate times, was the database corruption incident
5 took place somewhere around 10:30 in the morning on
6 Friday, September the 17th. Is that generally
7 consistent with your recollection?
8   A   That is.
9   Q   Using that as a time reference, when is
10 the first time after that that you looked at an alert
11 log for the usage instance?
12   A   It would have been within one hour of
13 that occurrence.
14   Q   And can you describe for me how you
15 went about doing that?
16   A   I logged onto the system. I went to
17 the directory where Oracle stores the alert log and
18 used a tool to look at the alert log, either -- most
19 likely used the VI tool to look at the alert log.
20   Q   And when you say the VI tool, is that
21 also referred to as the VI editor?
22   A   Yes, it is.
23   Q   And do you frequently use the VI editor
24 simply to look at or peruse electronic documents?
25   A   Yes.

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16

1   Q   So when you use a VI editor, that
2 doesn't mean you're actually making any changes. You
3 may simply be reading only what the material is; is
4 that correct?
5   A   That is correct.
6   Q   Do you have records -- you meaning
7 Convergys -- of what you did back on, in this case,
8 September 17th of 1999 to look at electronic data,
9 including to getting access to the SSUP alert log, as
10 you've just testified to?
11   A   I apologize. I don't think I
12 understand the question.
13   Q   If at any time today -- because it will
14 happen, I assure you. It happened in yesterday's
15 deposition. If at any time today you don't understand
16 my question, do just what you did; I mean, ask me and I
17 will do the best I can to rephrase it for you. And if
18 you need to rephrase an answer to clarify, please feel
19 free to do that.
20   Let me give you an example. There have
21 been documents produced in this case called at various
22 points different things but keystroke logs, Rao history
23 logs, things of that nature. Are you generally
24 familiar with those documents?
25   A   Yes.

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17

1   Q   What would you call that? Would you
2 call that a keystroke log?
3   A   The technical term for it is the shell
4 history.
5   Q   Does Convergys have the shell history
6 for your activities between September 16th, 1999, let's
7 say, through September 23rd, 1999?
8   A   No.
9   Q   Why not?
10   MR. SHANK: Objection to foundation.
11 If you understand the question, you can answer
12 his question, if you're able to.
13   THE WITNESS: Shell history is
14 generally maintained only for some certain
15 limited number of commands, the most recent
16 commands that have been executed.
17 BY MR. LUCAS:
18   Q   And do I correctly understand that
19 neither you nor Convergys made any effort to preserve
20 your shell history for this approximately time frame in
21 mid-September of 1999?
22   MR. SHANK: Objection. Lack of
23 foundation. Go ahead, Mr. Brown.
24   THE WITNESS: To the best of my
25 knowledge, that is correct.

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 1    BY MR. LUCAS:
 2         Q      You did, however, or Convergys did make
 3    arrangements to preserve certain of the shell history
 4    for Mr. Rao during that time frame; is that correct?
 5         A      That is correct.
 6         Q      Your attorney, or Mr. Shank, produced,
 7    I believe, yesterday or the day before what appears to
 8    be a shell history for Mr. Walters, Mr. Eric Walters.
 9    Are you aware of that document?
10         A      I am aware of that document.
11         Q      Who made arrangements at the time for
12    the preservation of Mr. Walters' shell history during
13    this time period in approximately mid-September of
14    1999?
15         A      Mr. Walters did.
16         Q      Was anyone else's shell history
17    preserved from the mid-September 1999 time frame?
18         A      Not to my knowledge.
19         Q      For example, was Mr. Ravi Kura's, Mr.
20    Neil Hulin's or any of the other production or
21    development DBAs' shell histories for this time period
22    preserved?
23         A      Not to my knowledge.
24         Q      When you accessed the SSUP alert code
25    on September 17th an hour or so, based on your
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19

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 1    recollection, after you learned of the database
 2    corruption incident, what did that document reflect?
 3              MR. SHANK:  Objection to form.
 4              THE WITNESS:  It showed data files in
 5         the SSUP database that were pointing to data
 6         files in the SSP database.
 7    BY MR. LUCAS:
 8         Q      Now, this is an alert log, so this
 9    would have time stamps or time entries; is that
10    correct?
11         A      Correct.
12         Q      As opposed to the shell histories that
13    you're referring to that don't have time stamps; is
14    that correct?
15         A      That is correct.
16         Q      When is the latest in time time stamp
17    on the SSUP alert log as you looked at it for the first
18    time on September 17th after the database corruption
19    event?
20         A      I can't say precisely.
21         Q      Was it up to date?
22         A      Yes, it was.
23         Q      So it at least included entries as of
24    September 17th, 1999?
25         A      Yes, it did.
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20

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 1         Q      And did it include entries up to the
 2    time that you were actually looking at it?
 3              MR. SHANK:  Objection.  He already
 4         asked and answered that question.  Go ahead,
 5         Mr. Brown.
 6              THE WITNESS:  Yes, it did.
 7    BY MR. LUCAS:
 8         Q      And do I correctly understand your
 9    testimony that you didn't make any sort of a hard copy
10    or anything of that particular document?
11         A      Not at that time, correct.
12         Q      Are there any notes or any other
13    records that reflected what the contents of that
14    document were at the time?
15         A      I believe there are e-mails that have
16    been produced in this case that contain notes regarding
17    what that document reflected.
18         Q      Did you discuss that particular
19    document as it existed at the time you first looked at
20    it with anyone else?
21         A      Yes.
22         Q      When did you do that?
23         A      It would have been on September 17th.
24         Q      And with whom did you do that?
25         A      Mr. Koopmans, Mr. Hulin.  That's --
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21

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 1    they're the only two people that I can say for sure
 2    that I had discussed it with.
 3         Q      Did you discuss it with them together
 4    or separately?
 5         A      I -- I know that I discussed it with
 6    them separately.
 7         Q      What did you discuss with Mr. Koopmans,
 8    as you recall it?
 9         A      Simply the contents.
10         Q      Anything in particular about the
11    contents that you discussed with Mr. Koopmans?
12         A      The fact that the data files associated
13    with the SSUP database had overwritten the data files
14    associated with the SSP database.
15         Q      What did you discuss with Mr. Hulin?
16         A      Same topic.
17         Q      Did you look at the SSUP alert log on
18    any other occasion on September the 17th after the
19    first occasion that you just described to me?
20         A      Yes, I did.
21         Q      How many times?
22         A      To my recollection, I only remember one
23    specific time.
24         Q      And can you tell me when that was?
25         A      That would have been in the afternoon,
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SHEET 7 PAGE 22

22

1 probably in the 3:00 to 4:00 time frame.
2   Q   And what were the circumstances of your
3 doing so at that time?
4   A   We were discussing with Mr. Rao the
5 contents of the same.
6   Q   And when you say we, who was that?
7   A   Mr. Koopmans.
8   Q   Were you with Mr. Rao at the time you
9 looked at this particular document or was it separate
10 from when you were actually in the presence of Mr. Rao?
11   A   It was with Mr. Rao.
12   Q   Now, is there any record, copy or any
13 other indication of what the contents were of the alert
14 log, SSUP alert log, at that time?
15   A   Not to my knowledge.
16   Q   Is there any record that indicates the
17 time of day when you so looked at the SSUP alert log
18 for the second time on September 17th?
19   A   There's documents produced in this case
20 that discuss the time of day.
21   Q   But is there any document that actually
22 records so we could tell based upon a contemporaneous
23 record as to when this event took place?
24   MR. SHANK: Objection to form and to
25   the extent he's already answered this question.

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23

1   Go ahead. Answer.
2   THE WITNESS: I don't know that I
3 understand the question.
4 BY MR. LUCAS:
5   Q   Other than e-mails that I think you're
6 referring to, is there any other document you know that
7 would actually show the exact time of day when this
8 took place, this event took place, where the SSUP alert
9 log was looked at under the circumstances that you just
10 described?
11   A   In general that type of activity would
12 be captured in a shell history.
13   Q   Was it captured in a shell history that
14 you're familiar with?
15   A   I -- I don't know.
16   Q   Whose shell history would it be
17 captured in?
18   A   The individual who is looking at the
19 file.
20   Q   And who was that in this particular
21 situation?
22   A   Mr. Rao.
23   Q   What were the contents of SSUP alert
24 log when you looked at them on the second occasion on
25 September the 17th?

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24

1   A   Log file entries from the operation or
2 the usage database.
3   Q   And what time frame did those log file
4 entries go through?
5   A   The point in time that we were looking
6 at the log file.
7   Q   Was there any difference in the content
8 of the SSUP alert file as you were looking at it on the
9 second occasion on September 17th compared to what you
10 looked at earlier in the day that you've testified to?
11   A   Yes, there was.
12   Q   Okay. Can you tell me what those
13 differences were?
14   A   There were missing entries on the
15 second occasion.
16   Q   And what were the missing entries?
17   A   Everything prior to sometime in the
18 afternoon on September 17th.
19   Q   What were missing is that everything
20 was missing from some point in time prior to some point
21 in time on the afternoon of September 17th?
22   MR. SHANK: Objection to form.
23 BY MR. LUCAS:
24   Q   Do I correctly understand? Is that
25 your testimony?

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25

1   A   I don't understand.
2   Q   Let me rephrase. I'm just trying to
3 understand your answer. All right? What was missing
4 when you looked at the alert log on the second
5 occasion, which you think was somewhere around 3:00 or
6 4:00 in the afternoon on September 17th?
7   A   There were no entries in the alert log
8 that showed the data files in the usage database
9 pointing to the data files in the customer database on
10 that second occasion.
11   Q   Were the entries missing a whole period
12 of time, a time frame from one period of time to
13 another, or are you saying there were just certain
14 entries that were missing?
15   A   The only entries contained in the file
16 on the second review were produced after the corruption
17 of the database occurred.
18   Q   So the only entries that appeared when
19 you looked the second time was entries for September
20 17th, 1999 after approximately -- they were timed after
21 approximately 10:30 in the morning on that day?
22   A   That is correct.
23   Q   Where are those entries now?
24   A   They -- I don't know.
25   Q   Well, they're not in Exhibit 25 that we

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1 that Convergys is contending in this case that Mr. Rao
2 engaged in certain activities after the database
3 corruption on the morning of September 17th that
4 Convergys contends was in the nature of a cover-up of
5 his conduct; is that your understanding?
6   MR. SHANK: Object to form.
7   THE WITNESS: Yes, I believe it has
8   been characterized as a cover-up.
9 BY MR. LUCAS:
10   Q   And just so I understand, is it your
11 understanding that there's anything in Exhibit Number
12 7, which is the September 20th shell history, that's
13 not in Exhibit -- that is not in the September 17th
14 shell history that evidences, provides evidence or
15 proof, of Mr. Rao's alleged cover-up activities?
16   A   I have not analyzed the differences
17 between the September 20th and September 17th files to
18 make that determination.
19   Q   Let me ask you or, I guess, ask first
20 Mr. Shank to place before you Exhibit Number 13.
21   MR. SHANK: I've got a 12 and I've got
22   a 14, Kevin. Sorry. 13.
23 BY MR. LUCAS:
24   Q   Mr. Brown, would you take a look at
25 Exhibit Number 13, and, again, we can look at specific

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1 sections in as much detail as you'd like on questions.
2 But do you recognize this particular document?
3   A   Yes, I do.
4   Q   And can you tell me what it is, please?
5   A   It's the shell history for Mr. Rao.
6   Q   Is this the September 17th shell
7 history for Mr. Rao that you were referring to earlier?
8   A   Yes. I believe that's -- that it is,
9 yes.
10   Q   What is it about this document when you
11 look at it or something else that you know that
12 indicates to you that this is the Rao shell history, I
13 guess, with a file date of September 17th?
14   A   Well, if I recall correctly, this was
15 attached to a -- to an e-mail which described that
16 exact fact.
17   Q   Let me, again, to speed this up, Mr.
18 Shank, and correct me if I'm wrong, Mr. Koopmans
19 testified yesterday that this particular document was a
20 document which you e-mailed to him, I believe, with
21 your e-mail of 6:00 a.m. in the morning of Tuesday,
22 September 21.
23   MR. SHANK: Well, if you want to do
24   this, it's up to you, Kevin, but I think that
25   that fact would be confirmed if you put the e-

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1   mail in front of Mr. Brown.
2 BY MR. LUCAS:
3   Q   Would you take a look at one of the
4 documents we were looking at before -- there were two
5 exhibits.
6   MR. SHANK: Exhibit 19, for the record.
7 BY MR. LUCAS:
8   Q   Exhibit 19, take a moment to take a
9 look at that.
10   A   Yes.
11   Q   Is this the document you were just
12 referring to?
13   A   Yes.
14   Q   Okay. And does that document help
15 refresh your recollection as to what Exhibit Number 13
16 is?
17   A   Yes. Exhibit Number 13 is the shell
18 history as of 1:02 p.m. on September 17th for Mr. Rao.
19   Q   Now, Mr. Koopmans indicated yesterday
20 that this was an unedited or non-edited version of Mr.
21 Rao's keystroke log or shell history. Do you agree
22 with that?
23   A   I have no reason to believe this has
24 been edited.
25   Q   When was this document first generated

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1 in -- let me withdraw the question. When did you first
2 look at this document, that being Exhibit Number 13?
3   A   In electronic form sometime between
4 September 17th at 10:30 a.m. and September 17th at 1:02
5 p.m.
6   Q   I'm sorry. Give me those times again.
7 I apologize.
8   A   Sometime between the time of the
9 corruption of the database and 1:02 p.m. on September
10 17th.
11   Q   On the same day. So sometime between
12 10:30 and 1:00 in approximate terms, in that two-and-a-
13 half-hour time frame, was the first time you would have
14 looked at it; is that correct?
15   A   Correct.
16   Q   And did you make arrangements at that
17 time to have this particular -- to have the keystroke
18 log or the shell history as it existed at that time
19 somehow preserved by Convergys?
20   A   Yes.
21   Q   So this particular document, Number 13,
22 was not preserved by Convergys in the form it exists as
23 part of some sort of normal practice or procedure; is
24 that correct?
25   A   Yes, that is correct.

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1 Q You made arrangements on September 17th
2 to so preserve it, correct?
3 A That is correct.
4 Q What other shell histories of Convergys
5 employees or contractors did you make arrangements on
6 September 17 to have their shell histories preserved?
7 A I made no other arrangements.
8 Q What were the circumstances or reasons
9 why you made arrangements on September 17th to have
10 this particular shell history preserved?
11 A Because of the suspected deception of
12 Mr. Rao -- by Mr. Rao. Excuse me.
13 Q When you first looked at this document
14 at sometime before 1:02 on September 17th, what did you
15 conclude or what was significant to you when you looked
16 at it?
17 A I don't know that I drew any
18 conclusions prior to 1:02 p.m. based on the contents of
19 this file.
20 Q Let me ask Mr. Shank to show you
21 another document that has been marked as Exhibit --
22 it's a one-page document. It's Exhibit Number 8. Do
23 you recognize this document?
24 A I do.
25 Q What is Exhibit 8?

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1 A It is the last 44 we'll say significant
2 lines of the history file.
3 Q Of what history file?
4 A For -- of Mr. Rao from September 17th,
5 1999 at 1:02 p.m.
6 Q Now, is it an excerpt then of a portion
7 of Exhibit 13 in the sense that it just takes all the
8 entries during a particular time frame or is it a
9 listing of certain events as they appeared or certain
10 entries or commands as they appear on Exhibit 13?
11 A It's the most recent 44 lines from that
12 file.
13 Q Did you make arrangements to preserve
14 Exhibit 8 in the form that it's in?
15 A No.
16 Q Who did?
17 A Let me rephrase. Exhibit 8 is a subset
18 of Exhibit 13, so I made arrangements to preserve
19 Exhibit 13. I later produced what you see in Exhibit 8
20 out of Exhibit 13.
21 Q And when did you do that later
22 production of the subset that is reflected in Exhibit
23 8?
24 MR. SHANK: Objection. Can I -- can I
25 confer with the witness for a second on a

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1 privilege issue, not on an answer?
2 MR. LUCAS: That's fine.
3 (OFF THE RECORD)
4 BY MR. LUCAS:
5 Q I think I had asked you is this
6 document -- no, I'm sorry. I had asked beyond that. I
7 think I had asked you what the circumstances were that
8 caused you to have this document prepared or generated
9 or preserved in the form it appears.
10 MR. SHANK: And I'm going to object and
11 tell the witness not to answer that question as
12 stated, as the question was worded.
13 MR. LUCAS: Okay.
14 BY MR. LUCAS:
15 Q How was this document created?
16 A It was created by using the strings
17 command in Unix against the September 17th, 1999 at
18 1:02 p.m. Mr. Rao's history file and then we used the
19 tail command in Unix to specify that we want the last
20 44 lines of that file.
21 Q What does the string command do?
22 A It removes any binary characters that
23 would be non-printable on your screen.
24 Q And what does the tail command do?
25 A It prints the last lines of a file, by

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1 default will print the last 10 lines of a file, but
2 here I specified to print the last 44 lines of the
3 file.
4 Q And why did you choose that number?
5 A Simply because it was the most recent
6 commands.
7 Q So you made that determination of how
8 many lines to print in your tail command by actually
9 looking at September 13 (sic) and making a
10 determination of what you viewed as being what?
11 A Honestly I don't recall why the number
12 44 was chosen, if that's the basis of your question.
13 Q And the time when these particular
14 commands that appear on Exhibit 8 were actually made
15 you don't know, correct?
16 A The last command would have been made
17 at 1:02 p.m. on September 17th, 1999. Other than that,
18 I can't state as to when the commands prior to the most
19 recent command were executed.
20 Q Let me just ask you to clarify that
21 last point. Are you saying that the actual command,
22 that the last command is the 1:02 time or is that the
23 time as of which the -- the history was generated? Let
24 me rephrase the question.
25 A Okay. Thanks.

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1   communication with Mr. Rao as to what Mr. Koopmans
2   asked for or how Mr. Rao characterized what he
3   provided; is that correct?
4   A   That is correct.
5   Q   This is what Mr. Koopmans gave you with
6   his Exhibit 18, correct?
7   A   That is correct.
8   Q   Okay. And did you read these
9   documents?
10   A   I reviewed -- I -- I presume I did read
11   them. I mean, I reviewed them. I don't know what you
12   mean by read.
13   Q   Well, let me ask you with respect to
14   the first two pages of Exhibit 14. It's a document
15   that has 26 numbered paragraphs and then an unnumbered
16   paragraph at the end. Did you read each of these
17   paragraphs?
18   A   I -- I did.
19   Q   Did you do anything to compare what was
20   stated in these paragraphs with other documents that
21   were then available to you?
22   A   Are you talking about on receipt of the
23   e-mail at the time -- I mean, in September of 1999?
24   Q   Yes.
25   A   No, I did not.

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1   Q   Did you -- so you didn't make any kind
2   of comparison of what's stated in the first two pages
3   of Exhibit 14 with other documents before you sent Mr.
4   Koopmans your reply e-mail that's been marked as
5   Exhibit 19, correct?
6   A   That's correct.
7   Q   And if you'll look at Exhibit 18, Mr.
8   Koopmans says that he had met -- that he first had
9   grilled Mr. Rao with a purpose to trap him and then he
10   had gotten together with Neil Hulin and Ravi Kura and
11   discussed matters with them and then all three of them
12   met with Mr. Rao and went over all these matters. Did
13   you see that?
14   A   Yes.
15   MR. SHANK: Object to form.
16   BY MR. LUCAS:
17   Q   And you see, for example, that there
18   are statements in there about Ravi verifying certain
19   approaches, doing certain work?
20   MR. SHANK: Object to form.
21   BY MR. LUCAS:
22   Q   Do you see that?
23   A   Yes, I see that.
24   Q   Do you see the reference to the
25   histories of Ravi and Rick Litton that's referred to in

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1   the third paragraph?
2   A   Yes, I see that.
3   Q   Did you understand that those were the
4   shell histories or keystroke logs for Ravi and Rick
5   Litton?
6   MR. SHANK: Objection to foundation.
7   BY MR. LUCAS:
8   Q   Is that your understanding?
9   A   That's what I would believe to be the
10   case, yes.
11   Q   Have they been preserved by Convergys?
12   MR. SHANK: Objection. I think he's
13   already talked about this topic.
14   THE WITNESS: No.
15   BY MR. LUCAS:
16   Q   Did you have any discussion after your
17   receipt of Exhibit Number 18 with Ravi or Neil
18   concerning the statements that are set forth in Exhibit
19   18?
20   MR. SHANK: Object to form.
21   THE WITNESS: Again, at the time prior
22   to preparing my e-mail?
23   MR. LUCAS: Your e-mail response of
24   6:12 a.m. on the 21st that's been marked as
25   Exhibit 19.

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1   THE WITNESS: No, I didn't.
2   BY MR. LUCAS:
3   Q   Mr. Rao's services were terminated in
4   the morning of Tuesday, September 21, 1999. Did you
5   have any discussion with Neil or Ravi concerning any of
6   these matters prior to the termination of Mr. Rao's
7   services?
8   A   I don't believe so.
9   Q   Do you see the reference in the second
10   paragraph where Mr. Koopmans says "We went to your home
11   directory and deduced you had locked it away in the
12   history directory"? You see that reference?
13   A   Yes.
14   Q   What did you understand he was
15   referring to?
16   MR. SHANK: Objection to foundation.
17   Calls for speculation.
18   THE WITNESS: He was referring to the
19   preservation of the history file from September
20   17th at 1:02 p.m.
21   BY MR. LUCAS:
22   Q   That's what you've identified earlier
23   as being the shell history or the keystroke log with a
24   file date of September 17th, correct?
25   A   That's correct.

VOLUME II
IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

CONVERGYS INFORMATION   :
MANAGEMENT GROUP, INC.,
and CHUBB CUSTOM INSURANCE   :
COMPANY,

                                         :

        Plaintiffs,

                                         :

        -v-   CASE NO.: CV-01-618
                                         :   (Judge Beckwith)

IGATE CORPORATION, et al.,

                                         :

        Defendants.

                * * * * * * * * *

        The continuation of the deposition of DARIN
BROWN, taken before Debra A. Sprague, Certified Court
Reporter and Notary Public in and for the State of Ohio,
at the offices of Ulmer and Berne, LLP, 600 Vine Street,
Suite 2800, Cincinnati, Ohio, on the 19th day of February,
2004, beginning at the hour of 1:37 p.m., and ending at
the hour of 3:03 p.m.

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1   of weeks prior to me joining
2   Q   And Mr. Ravi Kura, was he already there as
3   an employee or a contractor when you first came to
4   Convergys as a contractor in August of 1999?
5   A   Yes, he was
6   Q   Okay Do you know how long he had been
7   there prior to your joining?
8   A   If I recall correctly, he may have been
9   hired in June of 1999, but I don't know
10   Q   You spoke in your -- in the earlier
11 session of your deposition about shell histories. And I
12 think at various times I referred to them in asking you
13 questions as keystroke logs and/or as shell histories.
14 And I take it from your prior testimony that in September
15 of 1999, you accessed, at some point in time, Mr. Rao's
16 shell history as it then existed.
17   A   Yes, I did.
18   Q   Can you recall the first occasion on which
19 you accessed Mr. Rao's shell history?
20   A   No, I can't
21   Q   Can you describe for me the process or
22 procedure by which or the manner in which you accessed Mr.
23 Rao's shell history? What did you have to do to actually
24 access it?
25   A   I can testify to what I likely did I

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1   don't --
2   Q   Let's start -- That's fine. You don't
3   recall exactly what you did, okay
4   A   No, I don't recall exactly what I did.
5   Q   So what would have been the most likely
6   means, in your mind, that you would have followed to
7   access Mr. Rao's shell history back in September of 1999?
8   A   I likely would have run the strings
9   command on the history file and viewed the results on my
10 screen.
11   Q   Would you have had to call over to -- at
12 the operating system group within Convergys to get access
13 to Mr. Rao's shell history?
14   A   The shell history file that I'm referring
15 to, no
16   Q   Let me ask you, is there a certain way you
17 could describe the shell history file that you're
18 referring to, so I understand what you mean?
19   A   I can't recall if I described this before
20 or not. But when you log into Unix, you log in as your
21 individual user ID. Presumably nobody knows your password
22 except you Then you do what's called an op, O-P command,
23 to become the Oracle user, to be able to administer the
24 database
25   Q   And then what do you do?

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1   A   The -- After you've done the op Oracle
2   command to be able to administer the database, that shell
3   history file, I can access without having to request
4   permission to access it.
5   Q   And when you access, at that time, when
6   you are able to access, in this case Mr. Rao's shell
7   history file, are you able to read it?
8   A   Yes
9   Q   Are you able to write to it or edit it?
10   A   There's nothing technically that would
11 prevent that.
12   Q   Now, I'm taking from your answer that
13 there perhaps is another shell history. Maybe I'm wrong
14 But you had said the shell history as you're referring to
15 it Is there some other shell history or keystroke log of
16 a -- that would have related to production DBAs like Mr
17 Rao back in September of 1999, that's different than what
18 you just described?
19   A   There is
20   Q   Okay Can you tell me --
21   A   It's not really -- It's not different in
22 content. But when you log in to the Unix server as your
23 individual ID, you have a shell history that only that
24 particular user can access.
25   Q   And you're saying the content is the same

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1   as the type of shell history that you were just talking
2   about?
3   A   It would still track the commands. It
4   would just be the commands run under that individual user
5   account instead of under the Oracle user account.
6   Q   If you were to print it up, if you were to
7   make a hard copy of it, would it look different, these two
8   different types of shell histories?
9   A   Other than the content, no.
10   Q   I'm sorry, what do you mean other than the
11 content? Now, I thought the content was the same.
12   A   Well, the content is the command history
13 that that individual user ran, which is likely not the
14 same as the command history that the Oracle user would
15 have run.
16   Q   Okay. Cause there could -- there would --
17 Why would that be?
18   A   Actually, most of the DBA team logs into
19 the server and immediately does an op Oracle So very few
20 of the database administrators do things under their
21 individual accounts
22   Q   So the shell history, as a general matter,
23 is something that with the way the production DBAs work,
24 they would all, as a general matter, have access to it
25 because they all generally logged in under the op command?

7 (Pages 22 to 25)

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1   MR. SHANK: Objection to form.
2   BY MR. LUCAS:
3   Q   Is that correct?
4   A   Anybody who's run the op Oracle command
5   would then have access to any of those history files.
6   Q   When you -- These two different types of
7   shell history, when you print them out on hard copy form,
8   now, you've explained the content could be different,
9   would there be a difference in terms of like the header or
10   whatever the file name is that would appear?
11   A   Any file header that appears on a printout
12   is a result of the tool that was used to print it out. It
13   wouldn't be contained within the file itself.
14   Q   Okay. So let me ask Mr. Shank if he'd put
15   before you Exhibits 7 and 13.
16   MR. SHANK: And you've got 13, right,
17   or somebody has 13?
18   REPORTER: It's back in the stack.
19   MR. SHANK: Okay.
20   BY MR. LUCAS:
21   Q   I just want to focus on what I would call
22   the header or the file name. Let's take first Exhibit
23   Number 7. And I take it what you're referring to as the
24   file name or header is the rrao_hist_09270.txt?
25   A   Yes.

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1   Q   Is that what you're --
2   A   Is that what you're also --
3   Q   That's what -- That was my question
4   That's how you understood my question and your answer,
5   correct?
6   A   Yes
7   Q   Okay And then with respect to Exhibit
8   13, you're talking about rrao_hist.txt; is that correct?
9   A   Yes, that's correct
10   Q   Can you tell by looking and your
11   familiarity just with the two headers or file names here,
12   what tools, tool or tools was used in the print up of
13   Exhibit 7 and then in the print up of Exhibit 13?
14   A   I believe Exhibit 13 was printed using the
15   lp command in Unix. I believe Exhibit 7 was printed using
16   the Notepad editor in -- under Microsoft Windows
17   Q   Can you tell me what it is about the
18   header in Exhibit 13, which leads you to the conclusion
19   that you just stated?
20   A   Just from my experience, when you use the
21   lp command, it -- you can tell it to put these page
22   numbers and titles at the top.
23   Q   The title itself, in this case on Exhibit
24   13, the rrao_hist.txt, is that something that
25   automatically prints out or is that something that whoever

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1   is requesting the print has to somehow fill in or
2   designate?
3   MR. SHANK: Objection to the extent
4   it was already asked and answered at his first
5   deposition. Go ahead, Mr. Brown.
6   THE WITNESS: That's something that
7   automatically prints out.
8   BY MR. LUCAS:
9   Q   Can you add to it or change from it in
10   using the, I think you said the lp command in Unix.
11   A   This is whatever file you print, I believe
12   is what will print in that -- in that header, whatever the
13   name of the file is that you're printing.
14   Q   Now, turn your attention to the header or
15   the name in Exhibit 7, which you said, I believe you
16   thought was printed out using the Notepad editor under
17   Microsoft Windows.
18   Can you just describe to me how one goes
19   about using that tool to print out? Is there an automatic
20   content or is it something you have to designate or
21   specify when the printout takes place?
22   A   I believe the default is to print the file
23   name at the top of the page and the page number at the
24   bottom of the page.
25   Q   Well, in this particular case, as an

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1   example, there's the reference to 0920 Do you see that?
2   A   I do.
3   Q   Is that something that's automatic in the
4   use of the Notepad editor or is that -- or do you know how
5   that come -- how that came about?
6   A   That would also be the file name of the
7   file that was stored on the computer where this was
8   printed.
9   Q   So somebody would have, at some point,
10   given that file that file name; is that correct? Or is
11   that something that's automatically generated?
12   A   That's correct, somebody would have given
13   that file that name.
14   Q   And do you know who the somebody was that
15   gave this file that file name?
16   A   I believe it was me
17   Q   And when did you do that?
18   A   I don't know precisely. I believe it
19   would have been again in responding to the request for
20   admissions in September or October last year
21   Q   But sometime during the course of the
22   litigation and after 2001 or 2002, not back in September
23   of 1999, correct?
24   A   That's correct.
25   Q   What was the basis or the reason why you

8 (Pages 26 to 29)

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1 gave or included in the file name the 0920 reference?
2   A   That's Mr. Rao's history file that
3 contains the time stamp September 20th of 1999, on the --
4 on magnetic disc on the server.
5   Q   And just explain to me cause I don't
6 understand, where would that time stamp and how does that
7 time stamp appear on the server?
8   A   You go to the directory where these files
9 are stored. you can do a list command and see the file
10 name and the time stamp on the file.
11   Q   How does that file -- The file name,
12 somebody had to put on at some point, correct?
13   A   Yes
14   Q   And the time stamp, how is that generated?
15   A   It's generated automatically by Unix.
16   Q   And what does it relate to, when that file
17 was created or what?
18   A   Usually the time stamp, when you run a
19 list command, it will show you the time the -- the file
20 was last edited or modified or amended, appended to, any
21 kind of change to that file
22   Q   So in your understanding, on Exhibit 7, as
23 you printed it out, what would that 0920 designation
24 relate to? Would that indicate that the Rao history file
25 was somehow, I think you said edited or modified on

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1 September the 20th?
2   MR. SHANK: Object to form.
3   THE WITNESS: That would have been
4   the file -- the date that that file was last
5   modified, yes.
6 BY MR. LUCAS:
7   Q   Now, what do you mean, if you know -- I'm
8 not asking you to testify to something you don't know.
9 But if you do know, what is necessary to have that date
10 changed in terms of modified or edited? For example, if
11 somebody accesses that file on a particular date, does it
12 become re-dated or does it require some particular actual
13 change to the contents?
14   MR. SHANK: You're talking about the
15   date that's in the file name?
16 BY MR. LUCAS:
17   Q   On the magnetic file. Well, as I
18 understand, this whole thing all goes back to what's on
19 the magnetic file; is that correct?
20   A   What's on the file on magnetic disc,
21 correct
22   Q   So what type of activity would cause a
23 change in that time, time stamp?
24   A   Any activity where the file was re-written
25 to disc, any kind of writes to that file.

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1   Q   Let me just ask you, if someone were to
2 access the file, read it, and then somehow preserve a copy
3 of it, simply just preserve a copy of it, would that then
4 result in a new date?
5   A   It would not.
6   Q   Would there be some record that would
7 reflect when the history file was accessed for a read only
8 purpose?
9   A   Not that I know of.
10   Q   And then I guess I still don't understand,
11 and I'm hopeful you can give me a little bit more detail
12 What actually is required? What's the standard that's
13 required after you access and read to have the date
14 change?
15   A   You would have to save the file or the
16 file would have to be written to through some other means
17   Q   Okay. Well, let me take those one at a
18 time. If you save the file, I mean, does that mean you
19 would -- you could access it, read it, not change the
20 contents at all, but save the file, and that would result
21 in an updated dating on the magnetic disc?
22   A   Yes, that's my understanding
23   Q   And then when you said, if you write to
24 the file in the context that you're using, what would that
25 require or involve so as to result in a re-dating or an

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1 updating?
2   A   That would be the user logging in and
3 typing commands which Unix automatically appends to the
4 end of the file
5   Q   So it'd be any, for example, any
6 additional commands that were entered for something. all
7 of those, anything like that would result in an update; is
8 that correct?
9   A   Right.
10   Q   Now, when you were testifying earlier
11 concerning the manner in which a history file, a
12 production DBA history file could be accessed, you
13 mentioned that through the, I think you said it was the op
14 command, and you described that, is it also possible that
15 someone could access a history file through an individual
16 user name that was not the individual doing the accessing.
17 so long as that individual knew the password?
18   MR. SHANK: Objection to form.
19   THE WITNESS: I don't think I
20   followed you. I'm sorry.
21 BY MR. LUCAS:
22   Q   Well, let me give you an example I mean,
23 Darin Brown, production DBA, if I knew your password and I
24 had access to the Convergys system, could I enter -- could
25 I gain access to the Darin Brown shell history in your

9 (Pages 30 to 33)

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1   name, so long as I knew your password?
2   A   Yes, you could.
3   Q   And I could read it, write to it, or edit
4   it in that manner as well; is that correct?
5   A   Yes
6   Q   I take it in either of those manners,
7   whether I went through the op command or if I were to go
8   in, as I said, under an individual's name with their
9   password, I could also forward or transfer the history
10 file as well?
11   MR. SHANK: Objection to form.
12   THE WITNESS: If you go in under an
13   individual user account?
14 BY MR. LUCAS:
15   Q   With their password.
16   A   With their password, you can -- I don't
17 know what you mean by forward or transfer.
18   Q   Well, I mean, I can make a copy or I
19 could, I think there was a reference earlier to an FTP
20 kind of protocol, I could forward some sort of a copy to
21 another location; is that correct?
22   A   If you -- As long as you can read the
23 file, you can -- you can copy it or FTP it.
24   Q   And the same thing would be true, would it
25 not, if I went through as an Oracle user through the op --

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1   as the Oracle user through the op command, correct?
2   A   Yes.
3   Q   I want to ask you with respect to certain
4   designations whether you know what they mean or whether
5   they have some significance to you. The designation,
6   either as a file name or otherwise of Neil, N-E-I-L, 1; do
7   you know what that means?
8   A   Doesn't mean anything to me.
9   Q   Neil2?
10   A   Doesn't mean anything to me.
11   Q   Ping, P-I-N-G?
12   A   Ping is a utility in Unix.
13   Q   Can you tell me what it does?
14   A   It's used to test network connectivity
15 with other servers
16   Q   How about 1 MIK, does that mean anything
17 to you?
18   A   No.
19   Q   I just asked you a minute ago about FTP.
20 Does that -- What does that mean to you?
21   A   That's file transfer protocol.
22   Q   Can you describe what that refers to in
23 terms of function?
24   A   It's a utility that allows you to transfer
25 files between servers, for example

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1   Q   And is that a utility in Oracle or in
2   Unix, or otherwise?
3   A   It's really a generic utility It's
4   available in Unix, Windows, most operating systems.
5   Q   How about an entry four, F-O-U-R, and then
6   either dot or underscore, ssup sql, would that designation
7   have any significance to you?
8   A   Other than sounding similar to stuff that
9   we've -- to documents we've talked about in this case, it
10 doesn't mean anything to me.
11   Q   And the same if I just change the four to
12 five, the same rest, it would have no particular
13 significance to you, other than what you said?
14   A   Right, no significance.
15   Q   Do you know what Oracle error message 376
16 is or was back in 1999?
17   A   I don't know off the top of my head.
18   Q   The designation xx x -- s -- xx sql?
19   A   It's not meaningful to me. You know,
20 actually, if we go back, I think three seven -- Oracle
21 error 376, just sitting here thinking about it, is a
22 corrupted file error message. But I would have to confirm
23 that with -- by using an Oracle documentation or Oracle
24 utility.
25   Q   Mr. Brown, I'm not sure, so I'm going to

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1   let Mr. Shank interrupt me or guide me here, if I'm going
2   into an area in terms of the scope of your designation.
3   So let me just kind of go a little bit here. We talked a
4   little bit about this in your first session, and I'm
5   really not quite sure how far you're being presented.
6   With respect to outages in 1999 that
7   impacted or affected the Sprint P2K, are you familiar,
8   either through firsthand knowledge or otherwise, as to
9   those outages?
10   A   I'm familiar with I think the two that
11 we've talked about. Those are the only two that I can
12 recall.
13   Q   Let me just say, the two that we're
14 talking about, we're talking about the events relating to
15 the September 17th, 1999 events, and then I believe you
16 also, if my recollection is correct, talked about events
17 in October of 1999, having to do with, I believe you
18 called it Oracle patch or something similar Are we
19 talking about the --
20   A   Yes.
21   Q   -- same things?
22   A   Those are the same items, yes
23   Q   It's hard for me to remember what you said
24 versus what Mr. Koopmans said I know somebody said it
25   Are you familiar -- You're not familiar

10 (Pages 34 to 37)